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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91170863
Party	Defendant Perfect Plus, Inc. Perfect Plus, Inc. Suite 601 9595 Wilsire Boulevard Beverly Hills, CA 90212
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Date	01/17/2007
Attachments	ppo.pdf (3 pages)(28370 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Sexy Hair Concepts, LLC,)	
)	
Opposer,)	
)	Opposition No. 91-170,863
v.)	
)	Serial No. 78/573653
Perfect Plus, Inc.,)	
)	
Applicant.)	

OPPOSITION TO REQUEST FOR REMOVAL FROM SUSPENSION

Applicant, Perfect Plus, Inc., respectfully opposes the request of Opposer, Sexy Hair Concepts, to remove this proceeding from suspension.

Opposer is currently engaged in the matter Sexy Hair Concepts, LLC v. V Secret Catalogue, Inc., Opposition Proceeding No. 91125739, in which Opposer has opposed the registration of the mark SO SEXY based on Opposer's trademark registration no. 2,403,396 for SEXY HAIR. This is the same registration on which Opposer has based the present opposition. The issue in Opposition Proceeding No. 91125739 is whether the opposed mark, SO SEXY, for hair care products, is likely to cause confusion with Opposer's SEXY HAIR mark. The issue in the present opposition is whether the opposed mark SEXY 'N SASSY, for hair care products, is likely to cause confusion with Opposer's SEXY HAIR mark. According to the Opposer, the dominant portion of all the marks is the term "SEXY." Therefore, many of the issues in this proceeding will be extremely similar to that in Opposition Proceeding No. 91125739. Given that the issues to be determined are overlapping and the decision in the prior filed action, in which the oral hearing was held on March 23, 2006, Applicant respectfully request that the Board exercise

its discretion and suspend the instant proceeding pending the determination of Opposition Proceeding No. 91125739.

Respectfully submitted,

Perfect Plus, Inc.

Date: January 17, 2007

A handwritten signature in cursive script, appearing to read 'Caroline L. Keller', is written over a horizontal line.

Caroline L. Keller, Esq.
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CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing Opposition to Request for Removal from Suspension was served, via prepaid First Class Mail, on January 17, 2007, upon counsel for Opposer at the following address:

Roberta Jacobs-Meadway
Ballard Shaprh Andrews & Ingersoll, LLP
1735 Market Street, 51st Floor
Philadelphia, Pennsylvania 19103-7599

A handwritten signature in cursive script, appearing to read 'Caroline L. Keller', written over a horizontal line.

Caroline L. Keller